

CHIGNIK AREA

5 AAC 15.362

Article 3

Salmon Fishery.

Section

359. (Repealed)

362. Chignik Area Cooperative Fishery Management Plan

5 AAC 15.359. Chignik Area Cooperative Purse Seine Salmon Fishery Management Plan. Repealed. (Eff. 3/31/2002, Register 161; am 3/6/2003, Register 165; am 2/5/2004, Register 169; am 3/13/2005, Register 173; repealed 2/15/2006, Register 177)

5 AAC 15.362. Chignik Area Cooperative Fishery Management Plan. (a) The purpose of the management plan under this section is to establish the criteria and management measures for a salmon purse seine cooperative fishery in the Chignik Area.

(b) Chignik Area CFEC salmon purse seine permit holders may receive a permit issued by the commissioner, or the commissioner's designee, to form an annual cooperative fishery only under the following conditions:

(1) at least 51 holders of current and valid CFEC salmon purse seine permits must, together, apply to the commissioner for a permit to fish as a cooperative fishery each year;

(2) an application for an annual cooperative fishery permit must be submitted to the commissioner by March 1; the application must contain the name and CFEC permit number of each applicant; a copy of a cooperative fishery agreement containing the contractual terms upon which the cooperative will be operated must be submitted with the application, including articles of incorporation, corporate by-laws, partnership agreements, or other similar documents that contain the contractual terms of the cooperative;

(3) a holder of a current and valid CFEC salmon purse seine permit who did not apply by the deadline specified in (2) of this subsection, may elect to participate in the cooperative fishery by registering with the department by March 15; a CFEC salmon purse seine permit holder who does not register by the date specified in this paragraph may not participate in the cooperative fishery;

(4) the contractual terms of the annual cooperative fishery agreement must

(A) provide for participation in the cooperative fishery by registering permit holders who registered after the original deadline, as provided in (3) of this subsection, on the same terms as applicants who did apply by the original deadline;

(B) be consistent with state laws that apply to the salmon fishery resources of the state;

(5) a CFEC permit holder who participates in the annual cooperative fishery

(A) in the Chignik Area may not participate in any other commercial salmon net registration area as either a permit holder or commercial fisherman from June 1 through August 31 of that year; and

(B) who holds salmon net gear permits for more than one commercial salmon net registration area listed in 5 AAC 39.120(d), must designate the Chignik Area as the single area for salmon net fishing for that year as specified in 5 AAC 39.115 and 20 AAC 05.1940;

(C) must actively participate in the cooperative fishery to receive any economic benefit; a CFEC permit holder who participates in the cooperative fishery is not required to participate in the cooperative fishery from season opening to season closing; every vessel registered for the Chignik salmon fishery by participants in the cooperative fishery are not required to be used in the cooperative fishery; for the purposes of this subparagraph, "actively participate" means to make at least 10 deliveries of salmon to a buyer using the participant's CFEC permit card in a season;

(D) may not make more than 35 deliveries of salmon to a buyer using the participant's CFEC permit card in a season, except that if 35 percent or more of the cooperative participants make 35 salmon deliveries, the maximum deliveries a cooperative participant may make is increased to 45 deliveries for that season;

(6) at least one CFEC purse seine permit holder who is a participant in the cooperative must be on board a purse seine vessel engaged in the taking and delivery of salmon for the cooperative.

(c) If an annual cooperative fishery permit application meets the qualifications and requirements of this section, the commissioner, or the commissioner's designee, will issue a permit, which may contain registration requirements, reporting requirements, gear specifications, other than those specified in 5 AAC 15.332, and other requirements or conditions that the commissioner determines necessary for conservation and management purposes.

(d) For each year that an annual cooperative fishery permit is issued under this section, the Chignik Area cooperative fishery shall be allocated a percentage of the annual Chignik Area commercial sockeye salmon harvestable surplus based on the number of permit holders participating in the cooperative as follows:

(1) if participation in the cooperative is less than 80 percent of the Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery will be nine-tenths of one prorated share of the harvestable surplus for each participant in the cooperative;

(2) if participation in the cooperative is at least 80 percent, but less than 100 percent of the Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery

5 AAC 24.200

FISH AND GAME

will be ninety five-hundredths of one prorated share of the harvestable surplus for each participant in the cooperative;

(3) if the participation in the cooperative is 100 percent of the Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery will be one prorated share of the harvestable surplus for each participant in the cooperative.

(e) The commissioner may, by emergency order, open and close separate or concurrent fishing periods and areas for the cooperative fishery and the open fishery as necessary to achieve the allocation established in (c) of this section. The allocation established under (c) of this section is secondary to escapement and harvest objectives, and the commissioner may, by emergency order, reduce or expand fishing opportunity to ensure escapement and harvest objectives.

(f) The participants in the cooperative fishery may operate a fixed lead only under the conditions of a commissioner's permit. Notwithstanding 5 AAC 39.260, a vessel attached to a fixed lead or to a seine attached to a fixed lead may be allowed to go dry or be anchored without the vessel engine running in the waters of the Chignik Bay District from Mensis Point to Pillar Rock, as long as the lead and seine are not configured to form a fish trap prohibited under AS 16.10.070 and 16.10.100.

(g) Notwithstanding 5 AAC 39.240, and only under the conditions of a commissioner's permit, a vessel may have on board a purse seine or hand purse seine and up to two fixed leads.

(h) The participants in the cooperative fishery may use net pens to hold live salmon until processing, only under the conditions specified in a commissioner's permit.

(i) Notwithstanding 5 AAC 39.130(c), in the cooperative fishery multiple deliveries from an individual permit holder to a single tender on the same day may be recorded on an individual fish ticket with the estimated pounds and number of fish by species. The CFEC permit holder must report to the department, by 12:00 noon the day following the delivery date, the total pounds and number of fish by species from the catcher vessel's harvest. A split delivery may not be made in the cooperative fishery. All fish from a delivery must be attributed to only one CFEC permit holder on an ADF&G fish ticket.

(j) In this section,

(1) "cooperative fishery" means a commercial purse seine salmon fishery in which, by agreement of the participants, the number of fishing vessels may be reduced with the intent of decreasing overhead expenses associated with commercial fishing and controlling the rate of harvest to achieve a higher quality product;

(2) "open fishery" means a commercial purse seine fishery conducted by CFEC permit holders who do not participate in the cooperative fishery. (Eff. 2/15/2006, Register 177)

Authority: AS 16.05.060

AS 16.05.251

Chapter 24

Prince William Sound Area.

Article 2

Fishing Districts, Subdistricts, and Sections.

Section

200. Fishing districts, subdistricts, and sections

5 AAC 24.200. Fishing districts, subdistricts, and sections. (a) Copper River District: waters surrounding Hinchinbrook Island between the tip of Hook Point and Boswell Rock, including Boswell Bay waters south of a line from Boswell Rock to the radio tower at Whitshed Village, and waters between Whitshed Village and west of a line from a point on the mainland at 60° 10.21' N. lat., 144° 35.57' W. long. to the northernmost tip of Fox Island and then extending south from Fox Island along 144° 36.12' W. long.

(b) Bering River District: waters west of the longitude of Cape Suckling (144° W. long.) and east of a line from a point on the mainland at 60° 10.21' N. lat., 144° 35.57' W. long. to the northernmost tip of Fox Island and then extending south from Fox Island along 144° 36.12' W. long.

(c) Eastern District: waters of the eastern mainland shore from the radio tower at Whitshed Village to Point Freemantle, including Bligh Island, Goose Island, and other adjacent islands.

(1) Valdez Narrows Subdistrict: waters of Port Valdez enclosed by a line from Potato Point to Entrance Point;

(2) Port Fidalgo Subdistrict: waters east of 146° 24.12' W. long.

(d) Northern District: waters of the northern mainland shore from Point Freemantle to a point at the southern entrance of Esther Passage at 60° 49.33' N. lat., 147° 51.12' W. long., and waters outside the Coghill District and along the eastern shore of Culross Island and east of a line from a point on the southern shore of Culross Island at 60° 38.31' N. lat., 148° 08.62' W. long. to a point approximately 1.5 miles west of Port Nellie Juan Light at 60° 34.86' N. lat., 148° 08.62' W. long. to the Eshamy District Boundary at Port Nellie Juan Light, including Glacier Island, Fairmount Island, Perry Island, adjacent islands, and the Naked Island group, except waters of Unakwik Inlet north of 61° 00.97' N. lat.

(1) Perry Island Subdistrict: waters of the Northern District west of a line from the western entrance to Eaglek Bay at 60° 49.66' N. lat., 147° 44.92' W. long., to the northernmost tip of Axel Lind Island and from the southernmost tip of Axel Lind Island to the northern tip of Lone Island, and

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Lieutenant Governor Loren Leman

June 2, 2006

Mr. Lance Nelson, AAG
Attorney General's Office
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501

Dear Mr. Nelson:

You requested a certified copy of regulations filed by Lieutenant Governor Loren Leman. Attached is a copy of the regulations as they were filed by him. These begin with 5 AAC 01.011(b) and end with 5 AAC 77.016(b) and include the Chignik co-op repeal.

Sincerely,

A handwritten signature in blue ink, reading "Annette Kreitzer".

Annette Kreitzer, Chief of Staff
Lt. Governor Loren Leman

Attachment

SUBSCRIBED AND SWORN TO BEFORE ME
BY Annette Kreitzer ON
THIS 2nd DAY OF June, 2006
[Signature]
NOTARY PUBLIC, STATE OF ALASKA

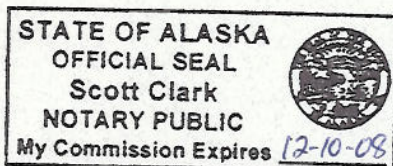


EXHIBIT B
PAGE 1 of 3

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALASKA BOARD OF FISHERIES

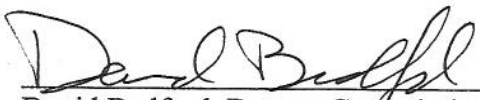
The attached 9 pages of regulations, dealing with subsistence, commercial, sport and guided sport and personal use finfish issues are hereby certified to be a correct copy of the regulation changes that the Alaska Board of Fisheries adopted at its March 17 – 24, 2006 meeting in Anchorage, Alaska, under the authority of AS 16.05.251 and AS 16.05.258 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Board of Fisheries paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

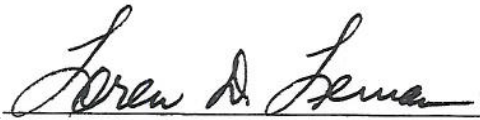
DATE: April 21, 2006
Juneau, Alaska


David Bedford, Deputy Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

I, Loren Leman, Lieutenant Governor for the State of Alaska, certify that on

April 26, 2006 at 3:00 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Loren Leman, Lieutenant Governor

Effective: May 26, 2006.

Register: 178 July.

(f) Repealed 5 / 26 /2006.

5 AAC 06.373(g) is repealed:

(g) Repealed 5 / 26 /2006. (Eff. 6/15/2005, Register 174; am
5 / 26 /2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

Chapter 15. Chignik Area.

Article 3. Salmon Fishery.

5 AAC 15.362 is repealed:

5 AAC 15.362. Chignik Area Cooperative Fishery Management Plan. Repealed.
(Eff. 2/15/2006, Register 177; repealed 5 / 26 /2006, Register 178)

Chapter 21. Cook Inlet Area.

Article 3. Salmon Fishery.

5 AAC 21.350(b)(6) is repealed and readopted to read:

(6) Packers Creek: waters enclosed by a line from the south ADF&G regulatory marker located at 60° 26.11' N. lat., 151° 55.66' W. long., to 60° 25.33' N. lat., 151° 55.00' W. long., to 60° 25.31' N. lat., 151° 52.68' W. long., to 60° 26.42' N. lat., 151° 51.71' W. long., to the north ADF&G regulatory marker located at 60° 26.42' N. lat., 151° 53.32' W. long.